

**REMARKS**

Claims 1 - 20 are in this application and are presented for consideration. By this Amendment, Applicant has made changes to the independent claim 1 to highlight the combination of features of the invention. Further, new claims 14 - 20 are submitted which include features as presented in the claim 1 but in a different form. Favorable consideration of all claims is requested.

**Claim Rejections - 35 USC §112**

Claims 1 - 13 have been rejected as being indefinite. Applicant has now addressed the problems with these claims such that the claims no longer have the vagueness, indefiniteness or the antecedent basis problems as noted. Favorable consideration is requested.

**Claim Rejections - 35 USC §102(b)**

Claims 1, 3, and 8 have been rejected under 35 USC §102(b) as being anticipated by Osborne (U.S. Patent 4,059,883).

The rejection is based on the position that Osborne teaches an apparatus with a cylindrical section 13, 14, gripping jaws 18, a guide tube 51, a mechanical adjusting drive 71 and a support tube 61.

It is the Applicant's position that the Osborne reference neither anticipates nor suggests the present invention as claimed. Specifically, there are at least six structural differences in the present invention which have been highlighted by the amended claim 1.

First, the independent claim 1 highlights the feature of the present invention where the gripping jaws have inner circular perimeter for grasping a straight pin. The apparatus disclosed in the Osborne reference can not be used to extract a straight pin out of a hole. As is apparent from the drawings and the specification, column 4 beginning from line 34, the "lock cylinder" must have an outwardly directed flange 22. The fingers 18 of the gripping element 13 (collet portion) have radially inwardly directed lips 15 (column 1, beginning from line 50). The gripping element 13 can be locked into place behind the flange 22 of the "lock cylinder" with these lips 15 (column 4 beginning from line 34). After the clamping ring 51 (annulus) has been tightened, the lips 15 are springingly secured behind the flange 22 (column 3 beginning from line 46). Since the lips are only pressed radially inwardly in a springing manner, unbelievably strong holding forces cannot be applied, as are necessary to hold a smooth, straight pin.

Second, the tubular basic body of the present invention is received in the guide tube axially adjustably and non-rotatably as provided in claim 1. This is not the case in the Osborne reference. The clamping ring 51 (annulus) is screwed on a threaded section of one basic body 31 (base portion) and it must consequently be rotatable in relation thereto (column 3 beginning from line 4).

Third, according to the present invention as claimed in claim 1, the guide in the guide tube is provided in an axial manner so that the gripping element is axially pulled into the guide tube by a pulling spindle. Since the gripping element according to the present invention is seated non-rotatably in the guide tube, the pulling spindle must not be rotated to pull the gripping element into the guide tube. This is likewise not the case in the Osborne reference.

Even though a pulling spindle may be present in the Osborne patent, this is said to be firmly connected with the basic body 31 (column 3 beginning from line 23). However, since the clamping ring 51 (annulus) is screwed onto the threaded section of the basic body 31 (base portion), the pulling spindle 41 (shaft) according to the Osborne reference cannot be used for pulling in at all. Instead, the pulling spindle 41 must be screwed out.

Fourth, no guide tube is present in the Osborne document. The Osborne reference pertains to a "clamping ring" 51 (annulus), which has only the task of securing the fingers 18. A guiding property similar to that according to the present invention is not present in the Osborne reference.

Fifth, the pulling device (mechanical adjusting drive) according to the present invention is separated from the pulling spindle. The pulling device is a separate assembly unit. The support tube according to the present invention is arranged directly on the guide tube according to the amended claim 1. It is also clear that the pulling device according to the present invention directly cooperates with the guide tube. Additionally, the clamping of the straight pin can be performed via the pulling spindle independently from the pulling spindle.

Sixth, all components according to the present invention form a compact unit in each working position, which unit is attached as such a unit to a straight pin. According to the Osborne reference, the support tube is used only when the clamping device 12 (collet assembly) is mounted snugly at the flange 22 of the "lock cylinder." According to Osborne, the support tube 61 cannot be attached to the "lock cylinder" together with the clamping device 12 (collet assembly) because the basic body 31 (base portion) can no longer be reached from the outside

in this case (see column 4 beginning from line 34).

The dependent claims 3 and 8 depend on the independent claim 1 and also include the combination of features discussed above. Additionally, the Osborne reference fails to anticipate or suggest claim 3. The ends of the guide tube and of the support tube are in a common plane and are flush with one another according to the present invention in the non-tensioned starting position. According to the Osborne reference, the support tube 61 cannot be flush with the clamping ring 51 at all, because the support tube 61 is not attached at all when the clamping device 12 (collet assembly) is attached to the "lock cylinder." However, even if the support tube is pushed over the clamping device after the tightening of the clamping device 12 (collet assembly), the clamping device is supported at the housing of the "lock cylinder" in the non-tightened initial state. Due to the dimensions of the clamping ring 51 and of the "conical collet" 13 specified in column 3 beginning from line 43, the lower end edge 53 of the "conical collet" must be located above the fingers 15 and consequently also above the lower end edge 62 of the support tube 61.

Finally, claim 8 is not anticipated and not suggested by Osborne, either. According to the Osborne reference, the pulling device proper, with which the clamping device 12 (collet assembly) is retracted, is the pulling spindle 41 (shaft) together with the lever 71 (lever or wrench). The pulling spindle 41 moves in relation to the support tube. When the fingers 18 are clamped, the clamping ring 51 (annulus) likewise moves in relation to the basic body 31 (base portion) in the axial direction. However, the pulling spindle is fixed axially in the guide tube in the present invention. Therefore, it is thus clear that the present invention according to claim

8 is not identical to Osborne.

The present invention provides for an extracting device that can apply strong clamping forces to hold a straight pin, for which purpose the pulling spindle is provided in cooperation with the gripping element. Furthermore, the subject of the present invention forms one compact unit, so that the present invention can be handled extremely simply.

As the prior art fails to anticipate or suggest the combination of features as claimed, Applicant respectfully requests that the Examiner favorably consider the claims as now presented. Accordingly, Applicant respectfully requests that the Examiner reconsider the rejection in view of the amended claims and in view of the discussion above.

It is applicant's position that all claims are now allowable. Should the Examiner determine that issues remain that have not been resolved by this response, the Examiner is requested to contact Applicant's representative at the number listed below.

Favorable action is requested.

Respectfully submitted  
for Applicant,

By:

  
John James McGlew

Registration No. 31,903

McGLEW AND TUTTLE, P.C.

JJM/DWK:tf  
71114.13

DATED: February 8, 2005  
SCARBOROUGH STATION  
SCARBOROUGH, NEW YORK 10510-0827  
(914) 941-5600

**SHOULD ANY OTHER FEE BE REQUIRED, THE PATENT AND TRADEMARK OFFICE  
IS HEREBY REQUESTED TO CHARGE SUCH FEE TO OUR DEPOSIT ACCOUNT 13-  
0410.**